

**Arenson, Ethan**

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**From:** Kirsch, Thomas L. [TKirsch@winston.com]  
**Sent:** Tuesday, December 23, 2008 6:39 PM  
**To:** Arenson, Ethan  
**Subject:** telephone conversation

Ethan, I am writing as a follow-up to our telephone conversation this afternoon. As we discussed, I believe that many of the Fifth Amendment and other objections raised in Sam Jain's letter are equally applicable to Kristy Ross. I understand from our conversation that we will proceed as follows: (1) you are intending to respond to Jain's letter by stating your position on the applicable Fifth Amendment protections afforded Jain and Ross, (2) we will discuss your response, and (3) if necessary, we will discuss the scope of Ross's Fifth Amendment protection in this case. If you disagree, please let me know. Thanks. Tom

Thomas L. Kirsch

Winston & Strawn LLP  
35 West Wacker Drive  
Chicago, IL 60601-9703  
T: +1 (312) 558-3220  
F: +1 (312) 558-5700

bio<<http://www.winston.com/index.cfm?contentID=24&itemID=15234>> |  
vcard<<http://www.winston.com/sitefiles/wsvcard/15234.vcf>> |  
email<<mailto:TKirsch@winston.com>> | [www.winston.com](http://www.winston.com)<<http://www.winston.com>>

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